

**MINUTES
of the
FOURTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**September 22, 2014
University of New Mexico Science and Technology Park
Albuquerque**

The fourth meeting of the Military and Veterans' Affairs Committee was called to order by Representative Rodolpho "Rudy" S. Martinez, co-chair, on September 22, 2014 at 9:05 a.m. at the University of New Mexico (UNM) Science and Technology Park in Albuquerque.

Present

Rep. Rodolpho "Rudy" S. Martinez,
Co-Chair
Sen. Richard C. Martinez, Co-Chair
Sen. William F. Burt
Rep. Nathan "Nate" Cote
Rep. Dianne Miller Hamilton
Sen. Daniel A. Ivey-Soto
Sen. William H. Payne

Absent

Rep. Bob Wooley

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros
Rep. Edward C. Sandoval

Rep. Thomas A. Anderson
Sen. Craig W. Brandt
Rep. George Dodge, Jr.
Rep. Yvette Herrell
Sen. Timothy M. Keller
Sen. John Pinto
Sen. Cliff R. Pirtle
Rep. Dennis J. Roch
Rep. Jeff Steinborn

Guest Legislators

Sen. Nancy Rodriguez
Sen. Sander Rue
Sen. William E. Sharer

Staff

Jeret Fleetwood, Researcher, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Kathleen Dexter, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and other written testimony are in the meeting file.

Monday, September 22

Welcome

Amy Wohlert, chief of staff, Office of the President, UNM, welcomed the committee and gave an overview of the university's efforts to recruit and retain students. This semester's student body includes the highest rate of returning sophomores in the school's history, and data show this rate is attributable to retention initiatives UNM has put in place in recent years, including hiring additional advisors and creating ethnic- and veteran-specific centers on campus. The university is also partnering with public school districts to better prepare high school students for college; has divided some three-credit courses into three one-credit courses to reduce failure rates; and has created degree programs in certain fields that require no more than 120 credit hours.

On questioning, Ms. Wohlert and committee members noted that:

- (1) UNM is not having to provide as much remediation as in the past, due in part to partnering with community colleges for remedial coursework;
- (2) a student may transfer up to 12 hours of coursework taken at a community college; and
- (3) enrollment at UNM's main campus and the Gallup campus has declined slightly following the economic downturn, though enrollment at the Taos and westside Albuquerque campuses is up, and enrollment at the Valencia campus is steady.

- ★ Matthew Munoz, UNM government relations specialist, will provide a summary of ROTC programs at UNM, including enrollment figures and program missions.

Update on National Guard and Armories

Brigadier General Andrew E. Salas, adjutant general, New Mexico National Guard (NMNG); Brigadier General Juan L. Griego, deputy adjutant general, NMNG; Colonel Donnie Quintana, chief of staff, NMNG; and Martha Salas, commissioner, Employer Support of the Guard and Reserve (ESGR), gave a presentation on the NMNG and the State Defense Force.

NMNG soldiers who recently were deployed to Afghanistan have now returned, and an air medical company will deploy to Afghanistan in 2015. The NMNG responded to recent flooding in southern New Mexico and has pre-positioned personnel and equipment in Roswell in case the flooding worsens. The Air National Guard will be activated for recovery and rebuilding in the Loving area oil fields, if necessary.

An update on the NMNG programs included information on the Youth ChalleNGe program based in Roswell and a possible second site for the program in northern New Mexico. NMNG programs to help veterans transfer their military skills to civilian life include a UNM initiative for those with Army medic training; a Department of Public Safety initiative for those who wish to pursue law enforcement careers; and the Heroes to Highways program for those who drove military heavy vehicles on active duty and wish to obtain commercial driver's licenses when they return home. Under its partnership program with Costa Rica, the NMNG continues to train the country's civilian constabulary in internal defense, drug interdiction and border security. The NMNG is also working on border and cybersecurity at home, providing surveillance and intelligence gathering.

Colonel David Torres was appointed in July to serve as commander and assistant adjutant general of the State Defense Force. Units are being established in all metropolitan areas of the state to assist with emergency response, conduct military honors at funerals and help with veterans' programs.

The NMNG will request a four percent increase in its budget for the upcoming fiscal year, with the additional funding earmarked to cover increases in risk management rates; outreach costs for the ESGR program; and the Youth ChalleNGe program. The NMNG will also request capital outlay funding to address deferred maintenance issues at its facilities statewide and to purchase land adjacent to its main facility south of Santa Fe. Deferred maintenance on many armory facilities has become critical, and the NMNG will have to divest itself of certain outdated facilities in 2015. The NMNG requested \$1 million in capital outlay funding for armory facilities in 2014 but received only \$500,000.

On questioning, the presenters and committee members noted that:

- (1) the Department of Military Affairs is working to create a rank structure for the State Defense Force, which is an official state entity, not an ad hoc citizen militia;
- (2) the NMNG is considering the El Rito campus of Northern New Mexico College as a possible second location for the Youth ChalleNGe program;
- (3) the NMNG is at risk for federal cuts because it is not manned to full capacity; and
- (4) the Gallup NMNG unit has been moved to Grants due to facility issues at the Gallup armory, and the Santa Clara unit has been consolidated with Las Cruces.

- ★ General Salas will provide information on a rank structure in the State Defense Force when it is complete.

Clarification of Veterans' Property Tax Exemption

Damian Lara, deputy assessor, Bernalillo County, gave a presentation on how property taxes differ from special assessments, specifically as they relate to property tax exemptions provided in statute to veterans. Some veterans have mistakenly assumed the exemptions apply to all assessments on their property — property taxes as well as special benefit assessments

imposed by local special districts — and, thus, have fallen in arrears on payments due. According to the Constitution of New Mexico, and as reaffirmed in an attorney general advisory letter dated April 2, 2008, the statutory property tax exemptions provided to veterans, disabled or not, do not apply to special benefit assessments because these assessments are not "taxes" as that term is used in the constitution.

On questioning, Mr. Lara clarified that property tax exemptions apply to the *property*, not to the *veteran*, and noted that, according to the Property Tax Division of the Taxation and Revenue Department, it would be "questionable" for a county assessor to make exceptions or prorate taxes for veterans who do not meet all regulatory requirements for the property tax exemption when buying or selling property.

Developing a Veteran-Focused Campus

Marilyn Dykman, United States Coast Guard, retired, director, UNM Veterans Resource Center (VRC), gave a presentation on the VRC's programs to assist nearly 1,200 veterans who are students at UNM. The center helps veteran students access not only GI Bill education benefits, tuition assistance and state scholarships but also other resources, such as mental health services and the Vet2Vet peer mentoring program. By 2013, the six-year graduation rate for veterans at UNM was 60 percent and the retention rate nearly 70 percent; in the same year, however, the percentage of veteran students who were placed on probation was seven percent. Ms. Dykman cited both statistics as evidence of the importance of having the VRC on campus and sustaining its programs, especially in light of the potential increase in veteran students when the Pentagon downsizes the military in 2015.

On questioning, Ms. Dykman and committee members noted that:

- (1) the VRC needs two additional staff members to continue providing services and to meet new tracking requirements imposed by the federal Department of Defense (DOD);
- (2) some of the 30 percent of students who are not "retained" are still on campus but have run out of their GI Bill education benefits; and
- (3) lottery tuition scholarships are available to veterans who enter the military directly after high school so long as the veteran enrolls in college within a year of leaving the military.

New Mexico Center for Energy Workforce Development (CEWD) Consortia Troops to Energy Initiative

Paul Sanchez, Public Service Company of New Mexico (PNM) Resources, Inc.; Julie McCabe, PNM Resources, Inc.; Chris Monette, New Mexico Gas Company; and Sherry Garcia, Tri-State Generation and Transmission Association, Inc., gave a presentation on efforts among energy providers to help veterans transfer their military skills to jobs in the energy sector. A significant "retirement wave" has begun in the industry — the average age of workers has increased by nearly two years since 2006, and the percent of incoming workers who qualify as either "ready now" or "ready in six to 10 years" has decreased. By developing a Troops to Energy initiative, the New Mexico CEWD hopes to steer veterans leaving the military into

energy careers where they can use skills they have already developed or for which they can readily train. The New Mexico CEWD has focused its outreach efforts on the state's community colleges with the help of a grant from the U.S. Department of Labor.

On questioning, the presenters and committee members noted that:

- (1) the New Mexico CEWD wants to branch out beyond the energy sector to other industries and institutions that employ similar skills;
- (2) outreach efforts take place through alumni organizations, on-campus offices and military recruitment sites and will soon include contacts with military personnel who have not yet retired but will soon do so; and
- (3) some member entities do not offer apprenticeship programs, but PNM does, and its programs comply with Workforce Solutions Department requirements.

- ★ Ms. Garcia will provide Senator Burt with contact information at Tri-State regarding the SunZia transmission project.

New Mexico State University (NMSU) Veteran-Specific Education Programs

David Boje, Ph.D., and Grace Ann Rosile, Ph.D., professors at NMSU, gave a presentation on two pilot programs at the university for veterans suffering from posttraumatic stress disorder (PTSD). Both programs are designed to help veterans following deployment: one uses equine-assisted growth learning events to help both veterans with PTSD and the families of those veterans with reuniting after deployment overseas, and the other uses an embodied restorying process to help veterans cope with and move beyond traumatic military experiences. The presenters are submitting applications for grant funding to the DOD and the National Institutes of Health to expand the programs and to conduct randomized control trials to assess their effectiveness.

On questioning, the presenters and Vicente Vargas, state director, NMSU government affairs, noted that:

- (1) the programs are currently housed in Las Cruces, with a second location possible in Corrales; and
- (2) these programs were not included in NMSU's budget, but they could be included in the Veterans' Services Department (VSD) budget.

On a motion duly made, seconded and unanimously approved, committee staff was directed to draft a letter to the VSD requesting that the department evaluate all programs in the state for veterans suffering from PTSD and other service-related issues and make recommendations on which programs to consider for state funding.

Minutes

On a motion duly made, seconded and unanimously adopted, the minutes from the August 25, 2014 meeting were approved.

Kirtland Air Force Base (KAFB) Jet Fuel Spill Cleanup

Ryan C. Flynn, secretary, Department of Environment (NMED); Tom Blaine, director, Environmental Health Division, NMED; Colonel Dennis A. Haught, commander, 377th Mission Support Group, KAFB; Adria Bodour, Ph.D., technical program manager, Air Force Civil Engineer Center; Brent Wilson, civil engineer, KAFB; and Jim McKay, citizen advocate, Citizen Action New Mexico, gave a presentation on the jet fuel spill at KAFB, which originated in bulk fuel storage tanks and piping constructed in the early 1950s.

Precise data on the extent of the spill or when it might have begun are not available; however, samples from monitoring wells show that the spill's underground plume has spread northeast for approximately one mile, past the federal Department of Veterans' Affairs (VA) hospital and its well, under a neighborhood in the southeast area of Albuquerque. The depth of the spill is also not yet determined, although there is evidence that the contamination has reached the aquifer, partly as a result of a rising water table since 2009. A sample from one of the nine sentinel wells drilled to monitor the VA hospital well revealed some contamination, though the contamination did not appear in subsequent testing. In the event that the VA hospital well is contaminated, the Albuquerque-Bernalillo County Water Utility Authority will provide water to the hospital.

The U.S. Air Force is responsible for cleanup of the spill, and the NMED is responsible for setting and enforcing cleanup standards. Since 2003, approximately 500,000 gallons of fuel have been recovered using a soil vapor extraction method. Extraction wells will now be drilled to "collapse" the plume. Contaminated water extracted by these wells will be treated and either reinjected into the aquifer or used for irrigation and dust control.

On questioning, the presenters and committee members noted that:

- (1) the U.S. Air Force has designated the KAFB spill as its top cleanup priority over similar spills elsewhere, including several designated as Superfund sites, and that "budget is not an issue";
- (2) the KAFB spill does not qualify as a Superfund site due to a petroleum exception in the law, and if it were designated as a Superfund site, current cleanup efforts would be halted and a new round of studies and tests would begin;
- (3) the presence of the underground spill plume was already known several years before Albuquerque tapped into the San Juan-Chama diversion project, a move that contributed to the rising water table; and
- (4) by one estimate, the plume could reach municipal wells within six years.

VA Medication Prescriptions

Representative Cote described constituents' problems with getting prescription refills through the VA: prescriptions are written for a maximum of 30 days, and renewing many prescriptions is impractical because veterans cannot easily get through to the VA clinics by telephone. On a motion duly made, seconded and unanimously adopted, committee staff was

directed to draft a letter to the VA regarding the possibility of extending the prescriptions beyond the current 30-day supply, as is allowed under New Mexico law.

Adjournment

The committee adjourned at 4:15 p.m.